

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BIOHAVEN THERAPEUTICS LTD.
and YALE UNIVERSITY,

Plaintiffs,

v.

C.A. No. 1:23-cv-00328-JLH-SRF

AVILAR THERAPEUTICS, INC. a
Delaware corporation, and RA
CAPITAL MANAGEMENT GP, LLC,
a Delaware corporation,

Defendants.

**DECLARATION OF KAITLIN E. MALONEY IN SUPPORT OF
DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS**

I, Kaitlin E. Maloney, declare as follows:

1. I am an Associate at Wilson Sonsini Goodrich & Rosati, P.C., counsel to Defendants Avilar Therapeutics, Inc. and RA Capital Management GP, LLC.
2. I am fully familiar with the matters set forth herein and submit this declaration in support of Defendants Avilar Therapeutics, Inc. and RA Capital Management GP, LLC's Motion for Judgment on the Pleadings.
3. Attached hereto are, to the best of my knowledge, true and correct copies of the following:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1	PCT No. WO 2019/199634 A1 (published Oct. 17, 2019), https://patentscope.wipo.int/search/en/detail.jsf?docId=WO2019199634&_cid=P20-LQYQQ8-73609-1 .
2	PCT No. WO 2019/199621 A1 (published Oct. 17, 2019), https://patentscope.wipo.int/search/en/detail.jsf?docId=WO2019199621&_cid=P20-LQYQRM-74276-1 .
3	WIPO, <i>PCT Publication Dates</i> , https://patentscope.wipo.int/search/en/gazettePubMore.jsf#:~:text=International%20publication%20usually%20occurs%20on,potential%20date%20for%20international%20publication (last visited Feb. 5, 2024).
4	Declaration of John B. Kenney in Support of Defendants' Motion for Judgment on the Pleadings
5	September 11, 2023 Non-Final Office Action issued by the United States Patent and Trademark Office for U.S. Appl. No. 18/161,712, available at https://patentcenter.uspto.gov/applications/18161712/ifw/docs?application= .
6	December 7, 2023 Election/Restriction Requirement issued by the United States Patent and Trademark Office for U.S. Appl. No. 17/046,221, available at https://patentcenter.uspto.gov/applications/17046221/ifw/docs?application= .
7	January 11, 2024 Election/Restriction Requirement issued by the United States Patent and Trademark Office for U.S. Appl. No. 17/695,645, available at https://patentcenter.uspto.gov/applications/17695645/ifw/docs?application= .
8	January 11, 2024 Final Office Action issued by the United States Patent and Trademark Office for U.S. Appl. No. 18/161,712, available at https://patentcenter.uspto.gov/applications/18161712/ifw/docs?application= .

4. Exhibits 1-3 and 5-8 are copies of public records from the World Intellectual Property Organization and the United States Patent and Trademark Office.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this Declaration was completed at Wilmington, Delaware, this 8th day of February, 2024.

/s/ Kaitlin E. Maloney
Kaitlin E. Maloney (#6304)
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